

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:08-cv-493-W**

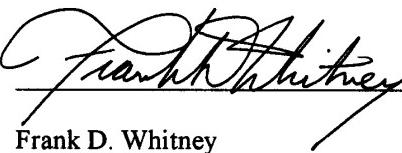
<b>DAVID T. MALBROUGH,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>CONTINENTAL TIRE NORTH</b>	)	
<b>AMERICA, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

---

THIS MATTER is before the Court upon Plaintiff's motion for voluntary dismissal without prejudice. (Doc. No. 19) Plaintiff's motion under Federal Rule of Civil Procedure Rule 41(a)(2) for dismissal without prejudice should not be denied absent substantial prejudice to Defendant. Andes v. Versant Corp., 788 F.2d 1033, 1036 (4th Cir. 1986). Defendant has communicated telephonically to the Court that Defendant has no objection to Plaintiff's motion. Accordingly, Plaintiff's motion for voluntary dismissal without prejudice is hereby GRANTED.<sup>1</sup>

IT IS SO ORDERED.

Signed: October 19, 2009

  
\_\_\_\_\_  
Frank D. Whitney  
United States District Judge  


---

<sup>1</sup>Plaintiff, being *pro se*, should take note of applicable statute of limitations and other timing constraints that may factor into his ability to reassert his claim in the future.